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and Defendants Thomas M. Ashburn, Carol
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P. Dentinger, Matthew S. Green, Stewart K.P. Gross,
William M. Klein, Ivan M. Koon, William H. Janeway,
Joseph H. Menard, Dean Morton, Tod Nielsen,
Edward W. Scott, Jr., Robert A. Shipp and Deborah Stanley

E-FILED - 6/27/07

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re BEA SYSTEMS, INC. DERIVATIVE
LITIGATION

This Document Relates To:
All Actions

Master File No. C-06-4459 (RMW)

**STIPULATION AND ~~PROPOSED~~
ORDER POSTPONING THE HEARING
AND EXTENDING THE FILING
DATE FOR THE OPPOSITION
TO THE MOTION TO DISMISS**

STIPULATION POSTPONING THE HEARING AND
EXTENDING THE FILING DATE FOR THE
OPPOSITION TO THE MOTION TO DISMISS

1 WHEREAS, on March 12, 2007, Plaintiffs filed an Amended Consolidated Complaint;
2 and

3 WHEREAS, on April 26, 2007, Nominal Defendant BEA Systems and Defendants
4 Thomas M. Ashburn, Carol A. Bartz, Barbara J. Britton, Mark T. Carges, Sam Cece, Alfred S.
5 Chuang, William T. Coleman, Mark P. Dentinger, Matthew S. Green, Stewart K.P. Gross,
6 William M. Klein, Ivan M. Koon, William H. Janeway, Joseph H. Menard, Dean Morton, Tod
7 Nielsen, Edward W. Scott, Jr., Robert A. Shipp and Deborah Stanley (collectively,
8 "Defendants") filed Motions to Dismiss the Amended Consolidated Complaint; and

9 WHEREAS, a hearing has been scheduled for July 27, 2007 on the pending Motions to
10 Dismiss; and

11 WHEREAS, the Parties have begun to discuss the outcome of the BEA Audit Committee
12 investigation, and such discussions continue; and

13 WHEREAS, the Parties wish to postpone further briefing and the scheduled hearing on
14 the Motions to Dismiss in order to facilitate such further discussions.

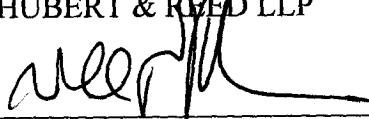
15 THEREFORE, the Parties stipulate, subject to the approval of the Court, to the following:

- 16 1. The hearing scheduled for July 27, 2007 is hereby rescheduled to September 14,
17 2007.
- 18 2. Plaintiffs' time to file an opposition to Defendants' Motion to Dismiss shall be
19 extended to July 20, 2007.
- 20 3. Defendants shall file and serve any reply to Plaintiffs' opposition by August 10,
21 2007.

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28 STIPULATION POSTPONING THE HEARING AND
EXTENDING THE FILING DATE FOR THE
OPPOSITION TO THE MOTION TO DISMISS

1 DATED: June 22, 2007

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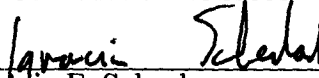
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14 DATED: June 22, 2007

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28 STIPULATION POSTPONING THE HEARING AND
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* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 6/27/07

Ronald M. Whyte

The Hon. Ronald M. Whyte
United States District Court Judge

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